

FILED

JAN 31 2014

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE LICENSES OF

MARIANNE SZAUER-ARRITT, APN, RN
APN License # 26NN08639000
RN License # 26NR08639000

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is an Advanced Practice Nurse (APN) and a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about September 28, 2010, the Oklahoma Board of Nursing approved a Stipulation, Settlement and Order requiring respondent to voluntarily surrender her nursing license for a minimum period of two years, based upon a finding that respondent, on June 19, 2010, while employed as a nursing instructor at Northwestern Oklahoma State University, wrote a prescription on a New Jersey

prescription pad for Patient J.J. for 90 Lexapro tablets, although she did not have prescriptive authority in Oklahoma to do so.

3. On April 5, 2011, respondent renewed her New Jersey nursing license and answered "N" for "no" in response to the question about whether any action had been taken against her nursing license by any other licensing authority since her last renewal.

4. Pursuant to N.J.A.C. 13:37-5.9, respondent is required to immediately notify the New Jersey Board if she is the subject of any disciplinary action or order by any state agency or board. Respondent did not so notify the Board about the issuance of the Oklahoma order.

CONCLUSIONS OF LAW

The voluntary surrender of respondent's Oklahoma nursing license, which is tantamount to a suspension of license, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(g). Respondent's failure to notify the Board of the Oklahoma action, and the misrepresentation on respondent's renewal application, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(b) for misrepresentation and (h) for failure to comply with a regulation administered by the Board.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline imposing two reprimands and a five hundred dollar (\$500) civil penalty was entered on October 18, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing

any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline and maintained that while being temporarily relocated in Oklahoma and working as part-time faculty at a college, she felt compassion for a co-worker and agreed to write the co-worker a prescription even though respondent "knew [her] limitations". Respondent maintained that the moral thing to do was to act beyond the limitations of her prescriptive authority and write this co-worker a temporary prescription. The co-worker requested another prescription from Respondent, but Respondent declined the second request. Respondent maintained that she chose to voluntarily surrender her license in Oklahoma, as opposed to completing a program in Oklahoma, because her time in Oklahoma was ending and she was returning to the Pennsylvania/New Jersey area.

Regarding her failure to self-report the Oklahoma action to the New Jersey Board and her false answer on her New Jersey renewal application, Respondent maintains that she was ill-advised by un-named people in Oklahoma who told her that she would not have to divulge the information and that the Oklahoma matter would be expunged. Nonetheless, Respondent does not dispute that she failed to self-report the Oklahoma matter to the New Jersey Board or that she provided a false answer on her New Jersey renewal application.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further

consideration, as Respondent did not dispute the findings of fact or conclusions of law. Respondent admitted that she knew her limitations but nonetheless wrote a prescription beyond those limitations. Additionally, the Board is not persuaded by Respondent's excuse as to why she failed to disclose the Oklahoma matter to the New Jersey Board via self-reporting and on her renewal application. Respondent should have exercised her own due-diligence in discerning the regulatory requirements which govern her New Jersey license and by answering the questions on the renewal application simply and truthfully.

ACCORDINGLY, IT IS on this 3rd day of Jan., 2014,

ORDERED that:

1. A public reprimand is hereby imposed upon respondent pursuant to N.J.S.A. 45:1-21(g) for exercising prescriptive authority when she was not legally authorized to do so.
2. A public reprimand is hereby imposed upon respondent for the misrepresentation on her renewal application and the failure to notify the New Jersey Board of the Oklahoma action, in violation of N.J.S.A. 45:1-21(b) and (h).
3. A five hundred dollar (\$500) civil penalty is hereby imposed upon respondent for the exercise of prescriptive authority when she was not legally authorized to do so. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be forwarded to the attention of George Hebert, R.N., Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6th Floor, Newark, NJ 07101, within fifteen (15) days of the filing of a

Final Order of Discipline in this matter. In the event that timely payment is not forthcoming, a certificate of debt may be filed.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD, APRN, FAAN
Patricia Ann Murphy, PhD, APN
Board President